

Message Text

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ORIGIN PM-07

INFO OCT-01 ARA-16 ADP-00 NSC-10 SS-15 RSC-01 L-03 PRS-01

AID-20 EB-11 MC-02 ACDA-19 CIAE-00 INR-10 NSAE-00

DODE-00 NEA-10 /126 R

DRAFTED BY PM/MAS:JLCLUNAN:RS

7/30/73:EXT. 28139

APPROVED BY PM/PA:ALAN W. FORD

PM/MAS - MR. GREY

- MR. SCHNEE

L/PM - MR. FIELDS

RA/CEN - MR. PEZZULLO

ARA/PLC - LTC. WILLIAMS

OD/DSAA - MR. AUGHAVIN

PM/PA - CAPT. COCHRANE

----- 109375

P 011408Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY SAN SALVADOR PRIORITY

INFO AMEMBASSY TEGUCIGALPA PRIORITY

AMEMBASSY GUATEMALA PRIORITY

AMEMBASSY MANAGUA PRIORITY

C O N F I D E N T I A L STATE 151103

E.O. 11652: GDS

TAGS: MASS, ES, HO, GT, NU, US

SUBJECT: FMS SALE OF A-37 AIRCRAFT (PEACE JETSAL)

REFERENCES: A. STATE 123411, 2321312 JUNE 73 (NOTAL);

B. SAN SALVADOR 2850, 242345Z JULY 73.

1. OUTLOOK FOR FY74 FOREIGN ASSISTANCE LEGISLATION UNCERTAIN.

2. SENATE HAS PASSED MILITARY ASSISTANCE AND SALES BILL WHICH IS SIGNIFICANTLY LESS RESPONSIVE TO ADMINISTRATION REQUEST THAN OMNIBUS FOREIGN ASSISTANCE BILL PASSED BY HOUSE
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JULY 26. SENATE HAS YET TO PASS FOREIGN ECONOMIC ASSISTANCE

BILL. LATTER WILL HAVE TO BE COMBINED WITH SENATE'S MILITARY ASSISTANCE AND SALES BILL BEFORE HOUSE AND SENATE GO TO CONFERENCE. WE ANTICIPATE THAT CONFERENCE TO RESOLVE DIFFERENCES BETWEEN BILLS WILL GET UNDERWAY IN LATTER PART SEPTEMBER.

3. CONSEQUENTLY, YOU SHOULD DRAW ON ABOVE FACTS AND GUIDANCE PROVIDED PARA 3, REF A, IN ORDER TO EXPLAIN TO GOES THAT WE ARE STILL NOT IN A POSITION TO DISCUSS CREDIT FOR FY74 AND FUTURE YEARS, AND DO NOT EXPECT TO BE FOR SOME MONTHS. FYI. THERE IS THE POSSIBILITY THAT NO FMS CREDIT WILL BE AVAILABLE FOR EL SALVADOR IF THE TOTAL FMS CREDIT AUTHORIZED BY THE CONGRESS IS NOT ADEQUATE TO MEET EXISTING COMMITMENTS WORLDWIDE. END. FYI. YOU MAY ADVISE GOES THEREFORE, THAT, RECOGNIZING ABOVE TIMING AND AVAILABILITY CONSIDERATIONS, IF WE ARE ABLE CONCLUDE CREDIT AGREEMENT PRIOR TO DEC. 1, 1973, DELIVERY OF 6 A-37 AIRCRAFT WOULD BE DELAYED FROM APRIL-AUGUST 1975 TO JANUARY 1976. (SEPARATE CSAF MESSAGE WILL PROVIDE AMENDMENT NUMBER TWO TO JETSAL 1513 WHICH REFLECTS THIS CHANGE.)

4. AS REGARDS GOES RESERVATION CONCERNING THIRD COUNTRY TRANSFER CLAUSE, YOU SHOULD CONVEY FOLLOWING: SECTION 3(A) (2) OF THE FOREIGN MILITARY SALES ACT REQUIRES THAT THE US GOVERNMENT OBTAIN THE AGREEMENT OF RECIPIENTS OF US DEFENSE ARTICLES NOT TO TRANSFER SUCH ARTICLES TO ANOTHER COUNTRY WITHOUT THE PRIOR APPROVAL OF THE PRESIDENT, WHICH AUTHORITY IS DELEGATED TO THE SECRETARY OF STATE. SECTION 9 OF THE FOREIGN MILITARY SALES ACT PROHIBITS THE APPROVAL OF A PROPOSED TRANSFER OF A DEFENSE ARTICLE TO ANOTHER COUNTRY UNLESS THE US ITSELF WOULD TRANSFER THE ARTICLE TO THAT COUNTRY. WE DO NOT ANTICIPATE THAT THESE PROVISIONS WILL BE ALTERED IN FY74 LEGISLATION.

5. YOU SHOULD INFORM GOES OF THE MANDATORY APPLICABILITY OF THIS PROVISION. IN DOING SO YOU MAY STATE THAT APPROVAL SUCH TRANSFERS IS GRANTED BY THE SECRETARY OF STATE ON THE BASIS OF UNIFORM CRITERIA APPLIED TO EVERY COUNTRY TO WHICH WE TRANSFER ARMS; THAT THESE TRANSFERS ARE A MATTER OF LONGSTANDING AND INTENSE CONCERN TO OUR CONFIDENTIAL

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CONGRESS, WHICH IS ANXIOUS THAT USG MAINTAIN CONTROL OF US DEFENSE ARTICLES AND SERVICES, AND THAT THE THIRD COUNTRY TRANSFER PROVISION IS BEING ACCEPTED BY ALL RECIPIENTS OF US ASSISTANCE. IN FACT, THIS PROVISION HAS BEEN AGREED TO BY GOES FOR PREVIOUS FMS CASH/CREDIT PURCHASES. IN OTHER WORDS, GOES IS NOT BEING SINGLED OUT FOR RESTRICTIVE TREATMENT. ROGERS

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